HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Coram :- **Hon'ble Shri V.K.Shrivastava &**
Hon'ble Shri Dhirendra Mishra, JJ.

Misc. Appeal (C) No. 544 of 2006

Appellants
Claimants

1) Smt Kanti Bai Gond, W/o Late Ghasiram @ Manoj Gond, aged about 29 years.

2) Ku. Radhika, D/o Late Ghasiram @ Manoj Gond, aged about 13 years.

3) Rohit Kumar, S/o Late Ghasiram @ Manoj Gond, aged about 1 year.

No.2 and 3 minors through : Natural Guardian appellant No.1 Smt Kanti Bai Gond, W/o Late Ghasiram @ Manoj Gond.

All residents of village Silli, Post Silli, P.S. Pamgarh, Distt-Janjgir - Champa (CG)

At present resident of Aramsahi, P.S. and Tahsil Masturi, Distt. Bilaspur (CG),

Versus

Respondents

1. Mohd. Tuffail, S/o.Ijharulahak, aged 29 years, resident of Urla Road Veergaon, P.S. Urla, District Raipur (CG)

2. Mohammad Faru, S/o.Mohd Akbar, resident of Janta Colony, Gudgaon, Raipur, District Raipur (CG)

3. The Oriental Insurance Company Limited, Through : Divisional Manager, Divisional Office Opposite High Court, Tahsil and District Bilaspur (CG).

Present :- Shri Goutam Khetrapal, counsel for the appellants.
None for the respondents.

ORAL ORDER
(Dated 8th January, 2007)

The following oral order of the Court was passed by

Vijay Kumar Shrivastava, J :

(19)

8th Additional Motor Accident Claims Tribunal (Fast Track Court), Bilaspur (henceforth "the Tribunal") vide award dated 31-7-2006 passed in claim case No.23 of 2006 allowed a compensation of Rs.3,70,900/- to the appellants. Feeling aggrieved, for enhancement of the compensation this appeal has been filed.

On 26-5-2005, Ghasiram @ Manoj Gond, met with an accident by truck bearing registration No.CG-04/J-9538 driven by respondent No.1, who sustained various injuries and succumbed to those. Appellants who are the legal representatives of the deceased filed an application under Section 166 of the Motor Vehicles Act, 1988 (henceforth "the Act") claiming compensation of Rs.15,25,000/- under various heads against the driver, owner and insurer of the offending vehicle.

Learned Tribunal after appreciation of the evidence adduced by the appellants passed the impugned award whereby granted compensation under various heads as below :

S.No.	Head	Amount
1.	For loss of dependency	3,26,400=00
2.	For loss of consortium	20,000=00
3.	For loss of love and affection	20,000=00
4.	For funeral expenses	2,000=00
5.	For loss of estate	2,500=00
	Total	**3,70,900=00**

During the course of arguments, learned counsel for the appellants contended that the income of the deceased has not been correctly recorded by the Tribunal and thereby committed error in granting the award.

We have gone through the evidence and record. Employer has not been examined by the appellants and certificate regarding income issued

(20)

by the employer has also not been proved by evidence. Only Smt. Kanti Bai/appellant No.1 has tendered her evidence on affidavit. From her affidavit, it is evident that her evidence regarding income of the deceased is based on hearsay. After appreciation of evidence learned Tribunal recorded monthly income Rs.2,400/- and accordingly calculated dependency and by applying multiplier of 17 (seventeen) on annual dependency recorded a finding that loss of dependency comes to Rs.3,26,400/-.

No other points have been raised by learned counsel for the appellants, during the course of arguments.

In the result, we are of the considered opinion that there is no illegality or perversity in the finding of learned Tribunal, the appeal being devoid of substance is liable to be dismissed summarily and is accordingly dismissed *in limine*. No costs.

Sd/-
V.K. Shrivastava
Judge

Sd/-
Dhirendra Mishra
Judge

Gowri